REMARKS

Claims 1-30 and 32-110 were pending. The Examiner has withdrawn claims 2-8, 22, 24-29, 33, 35-37, 39, 40, 44-80 and 91-103 from consideration as drawn to non-elected inventions. Applicants have cancelled claims 1-37, 40, 42, 44-50, 81-89, 91-92, and 108-110 without prejudice and reserve the right to prosecute the subject matter of the cancelled claims in one or more related applications. Applicants have amended pending claims 38, 41, 90, and 104, and have added new claims 111-140 for purposes of dependency and/or to more particularly point out and distinctly claim that which Applicants regard as the invention. Additionally, Applicants have amended withdrawn claims 39, 51, 59-62, 65, 73, 77-80, 93-94, 96, 98 and 100 to be dependent from or otherwise include all limitations of one or more currently pending claims. Support for the amendments and new claims may be found throughout the specification as filed. Accordingly, no new matter has been introduced. After entry of this amendment, claims 38-39, 41, 43, 51-80, 90, 93-107, and 111-140 will be pending.

The Rejections Under 35 U.S.C. § 112, First Paragraph, Should Be Withdrawn

The Examiner has rejected claims 108 and 109 under 35 U.S.C., first paragraph, as allegedly failing to comply with the enablement requirement. Applicants respectfully point out that, as discussed, claims 108-109 have been canceled, rendering the instant rejection moot.

The Rejections Under 35 U.S.C. § 102 Should Be Withdrawn

The Examiner has rejected claims 1, 9-17, 21, 23, 30, 32, 34, 42, 81-90, 104, 105 and 107-110 under 35 U.S.C. 102(e) as allegedly anticipated by International Patent Application Publication WO 01/79299 to Ravetch ("Ravetch"). Preliminarily, Applicants note that claims 1, 9-17, 21, 23, 30, 32, 34, 42, and 81-89 have been canceled, rendering the instant rejection moot with respect to these claims. With respect to the remaining claims 90 and 104-105, Applicants respectfully traverse the rejection.

Ravetch fails to anticipate claim 90 because Ravetch fails to teach or disclose each and every element of the claim. As amended herein, claim 90 is directed to a pharmaceutical composition comprising an antibody that is a chimeric or a humanized version of the murine monoclonal antibody produced by clone 2B6 having ATCC accession number PTA-4591. Ravetch fails to teach or describe any anti-FcγRIIB antibody, and therefore cannot teach or

describe a pharmaceutical composition comprising an antibody derived from the specific hybridoma clones instantly recited in claim 90. Thus, because Ravetch does not teach each and every element of claim 90, Ravetch does not anticipate claim 90. Because Ravetch does not anticipate claim 90, Ravetch can also not anticipate new claims 125-127 as dependent thereon.

With respect to claims 104 and 105, Applicants point out that, as amended herein, claims 104 and 105 are directly or ultimately dependent on claim 41. Ravetch does not anticipate claim 41 because, as noted, Ravetch does not teach or describe any anti-FcγRIIB antibody, much less a chimeric or humanized version of the murine monoclonal antibody produced by clone 2B6. Accordingly, Ravetch does not anticipate claim 41 as amended herein because the reference does not teach each and every element of claim 41. Because, Ravetch does not anticipate claim 41, the reference does not anticipate claims 104 or 105 as directly or ultimately dependent thereon.

In view of the foregoing, Applicants submit that the instant rejections under 35 U.S.C. § 102(e) have been obviated or overcome and should be withdrawn.

The Rejections Under 35 U.S.C. § 103 Should Be Withdrawn

The Rejection over Ravetch in view of Reff

The Examiner has rejected claims 1, 18, 19 and 20 under 35 U.S.C. 103(a) as allegedly obvious over Ravetch in view of Reff et al., 2001 Crit. Rev. in Oncol. Hematol. 40:25-35 ("Reff"). In response, although not agreeing with the Examiner and merely to advance prosecution, Applicants have canceled claims 1, 18, 19 and 20, thus rendering the instant rejection moot.

The Rejection over Ravetch in view of Presta

The Examiner has rejected claims 1, 104 and 106 under 35 U.S.C. 103(a) as allegedly obvious over Ravetch in view of Presta, U.S. Patent 6,737,056 ("Presta"). Preliminarily, Applicants note that, as discussed, claim 1 has been canceled, rendering the instant rejection moot with respect to this claim. With respect to claims 104 and 106, Applicants respectfully traverse the rejection.

Applicants point out that, as amended herein, claims 104 and 106 are now directly dependent and ultimately dependent, respectively, on claim 41. Presumably, the Examiner has recognized that Ravetch fails to render obvious claim 41 because Ravetch does not suggest or provide motivation for a specific anti-FcγRIIB antibody, *e.g.*, a chimeric or humanized version of the murine antibody produced by hybridoma clone 2B6 as recited in claim 41 as amended

herein. Because Ravetch does not render obvious claim 41, the reference cannot render obvious claims 104 and 106 as dependent thereon.

Presta fails to remedy the deficiencies of Ravetch. As has been extensively discussed in the record, Presta is directed to the modification of the Fc region of an antibody to alter binding of the Fc region to a FcR. The disclosure of Presta fails in any manner to address the binding of an antibody via its variable domain to an antibody Fc-receptor, *e.g.*, FcγRIIB, much less provides a motivation or suggestion for any specific anti-FcγRIIB antibody, *e.g.*, a chimeric or humanized version of the antibody produced by hybridoma clone 2B6 as recited in instant claim 41. Accordingly, Ravetch, whether alone or in combination with Presta does not render obvious the invention as instantly claimed in claim 41 or in claims 104 and 106 as dependent thereon.

In view of the foregoing, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103(a).

Provisional Rejection For Obviousness-Type Double Patenting

The Rejection over U.S. Patent Application Serial Nos. 11/305,787 and 11/108,135

Claims 1, 9-21, 23, 30, 32, 34, 38, 41-43, 81-90, and 104-110 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 and 16-20 of U.S. Patent Application Serial No. 11/305,787 ("the '787 application") and over claims 1-15 and 53-64 of U.S. Patent Application Serial No. 11/108,135 ("the '135 application"). The Examiner contends that the claims are not patentably distinct from each other because claims 1-13 and 16-20 of the '787 and 1-15 and 53-64 of the '135 application are drawn to the same or nearly the same anti FcγRIIB antibody that specifically binds the extracellular domain of human FcγRIIB and/or to an anti-FcγRIIB antibody with Fc modification.

In response, and without agreeing with the rejection, Applicants request that the instant obvious-type double patenting rejections be held in abeyance until indication of allowable subject matter.

The Rejection over U.S. Patent Application Serial No. 10/643,857

The Examiner has also provisionally rejected claims 1, 9-21, 23, 30, 32, 34, 81-90, and 104-110 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 108-124 U.S. Patent Application Serial No. 10/643,857 ("the '857 application"). The Examiner contends that the claims are not patentably distinct from each other

because claims 108-124 of the '857 application are drawn to the same or nearly the same anti-FcγRIIB antibody that specifically binds the extracellular domain of human FcγRIIB and/or to an anti-FcγRIIB antibody with Fc modification.

In response, Applicants note that, as discussed, claims 1, 9-21, 23, 30, 32, 34, 81-89 and 108-110 have been canceled, rendering the instant rejection moot with respect to these claims. With respect to the remaining claims, *i.e.*, 90 and 104-107, Applicants point out that claims 104 and 107, as dependent on claim 41 as amended herein, are directed to chimeric or humanized versions of the monoclonal antibody produced by clone 2B6 having ATT accession number PTA-4591, or antigen binding fragments thereof. Similarly, claim 90 is directed to a pharmaceutical composition comprising a chimeric or humanized version of an antibody produced by the same clone. In contrast, claims 108-124 of the '857 application are drawn to monoclonal antibodies produced by the specific clones 1D5 having ATCC accession no. PTA-5958, 2E1 having ATCC accession no. PTA-5961, 2H9 having ATCC accession no. PTA-5962, 2D11 having ATCC accession no. PTA-5960, and 1F2 having ATCC accession no. PTA-5959. Accordingly, because the pending claims of the instant application and the '857 application are drawn to differing antibodies, *i.e.*, produced by differing clones, the '857 application cannot render obvious the pending claims as amended herein.

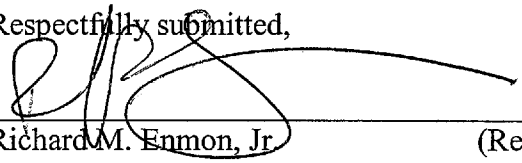
In view of the foregoing, Applicants respectfully request that the obvious-type double patenting rejection over U.S. Application 10/643,857 be withdrawn.

CONCLUSION

Applicant respectfully requests that the amendment and remarks made herein be entered and made of record in the instant application. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

Date: December 3, 2007



52,865

Richard M. Enmon, Jr. (Reg. No.)
KING & SPALDING
1185 Avenue of the Americas
New York, New York 10036
(212) 556-2100